

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 22 – SB 2051

March 22, 2011

SUMMARY OF BILL: Requires a sheriff or constable executing a writ of possession in a forcible entry and detainer action to provide 24-hour advance notice before removal of a tenant's personal property by posting notice on the door of the premises. Directs the plaintiff, prior to removal, to compile an inventory of the tenant's personal property to be signed by plaintiff, the sheriff or constable, and the defendant, if present or risk civil liability. Restricts removal to the hours of 8:00 a.m. to 5:00 p.m. and requires removal to a local storage facility if requested by the defendant. Authorizes a constable, in addition to the sheriff, to execute a writ of possession in an action of ejectment.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$100,000

Increase Local Expenditures – Exceeds \$1,000,000

Assumptions:

- The Tennessee Housing Development Agency estimates 100 evictions will be enforced per year with \$1,000 in additional costs incurred due to the provisions of this bill resulting in an increase to state expenditures of \$100,000 (\$1,000 x 100).
- Local governments will hire additional deputies to comply with the provisions of this bill. These deputies will be necessary to provide the required 24-hour notice, maintain a presence at all removals, and provide storage, if requested. While defendants are required to bear storage expenses incurred, estimate assumes 90 percent will be indigent and unable to pay.
- The cost to store property is unknown and will vary by location. The total number of additional deputies required is unknown, will vary by location, and depend on the total number of average writs issued each year. Due to numerous unknown factors, a precise increase to local government expenditures cannot be determined. A conservative estimate assumes an increase to local expenditures that will exceed \$1,000,000.

**Article II, Section 24 of the Tennessee Constitution provides that: No law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

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